

**REMARKS****Claim Status**

Claims 1-34 are pending in the application. Claims 1, 11, 19 and 21 are the independent claims. Claims 1 and 11 are currently amended. New claims 23-34 are submitted herein.

**Section 112 Rejections**

Applicant respectfully submits that the present application satisfies the enablement requirement under 35 USC §112, first paragraph. It is well known to persons of ordinary skill in the art that applet files may be transferred from a source file location to an application, in which the applet is to be executed using the application (e.g. a web browser) as container. Although the typical approach is to download an applet from a server, applet files also can be resident on a local file system, e.g. in a desktop computer. See e.g. the article “Applet design elements” at IBM’s web site, <http://www.ibm.com/developerworks/wikis/display/dominoappdev/Applet+design+elements>. This article discloses locating JAVA applet files from one of three sources: a local file system, an applet shared resource, or a Web URL, to be inserted as a design element in IBM’s application.

In construing the present patent application, the person of ordinary skill would understand the following as to an applet received by the client desktop from the web site. Not only would the applet be imported into the browser at the client desktop, but the applet files could be stored on the local file system of the client desktop. Well known file transfer procedures could be employed to send the

applet files located at the client desktop's local file system to an application at the file transfer gateway.

### Section 103 Rejections

The Office Action rejected claims 1-2, 4-12, and 14-22 and 13 under §103(a) as being unpatentable over U.S. Patent Application Publication 2003/0033517 A1 to Rutherglen et al. ("Rutherglen"), in view of Applicant's admitted prior art ("AAPA"). The Office Action rejected claims 3 and 13 under §103(a) over Rutherglen and AAPA, further in view of "Java Applet Signing Guide" ("Wilson").

Applicant respectfully traverses the Examiner's findings on the scope of Applicant's admitted prior art ("AAPA"). The Examiner cites the paragraphs at page 6, lines 14-21 and page 29, lines 16-17 as disclosing that "'push' operations as described by the Applicant were known". Applicant submits that these passages only represent an admission that an "operation in which a file download is pushed from a server to a target" (first passage) and a "server-initiated download" (second passage) are known in the prior art as "push" operations. Applicant refers to a "push" operation as convenient shorthand for a type of file download operation. There is no express or implied statement in the present application that the particular methods disclosed by Applicants (e.g. at page 6, lines 15-21 and page 29 line 19-page 22, line 19) are known push operations. An admission that a certain broad category of file transfer operations is common knowledge does not constitute an admission that particular methods falling within this category are common knowledge, even though Applicant uses the category name to refer to such methods.

Applicant respectfully traverses the rejection of independent claim 1 under 35 U.S.C. §103(a) as being unpatentable over Rutherglen in view of AAPA. Rutherglen does not disclose the recited features of claim 1, at least with respect to the claim feature “wherein the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by the server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel; and wherein the downloading the file from the server through the firewall permits transferring a large file in chunks”. This claim feature is currently amended to add the recitation “wherein the downloading the file from the server through the firewall permits transferring a large file in chunks”, which describes a principal utility of the present invention.

The Examiner acknowledges that Rutherford does not expressly disclose the features quoted above, but relies on Applicant’s alleged admitted prior art to fill this gap citing page 6, lines 14-21 of the specification. For reasons given above, Applicant traverses the conclusion that this subject matter represents AAPA, also taking into account the newly claimed feature “wherein the downloading the file from the server through the firewall permits transferring a large file in chunks”.

Applicant’s method authorizes a file requestor or target to receive a requested file, e.g. in the context of B2B operations. The target is registered with a server behind a firewall, which enables the server to verify authenticity of the file transfer operation and to coordinate with the file transfer gateway in setting up file transfer parameters to be used in a later download operation. The target

polls the server for files to be downloaded, e.g. because the files may normally be stored at a different location such as a collaboration manager of a B2B operation. Once a desired file is identified at the server, the file is downloaded from the server over a virtual channel through the firewall. The file can be a large file that is downloaded in chunks. Considering this combination of steps and features, this method is neither taught nor suggested by Rutherford's data accessing system, which relates to accessing secure data (typically databases) in distributed computing. By the same token, these method steps and features should not be considered known art (AAPA) simply because Applicant has acknowledged that "push" operations are a known type of file transfer system.

Applicant respectfully traverses the rejection of independent claim 11 under 35 U.S.C. §103(a) as being unpatentable over Rutherglen in view of AAPA. Rutherglen does not disclose the recited features of claim 11, at least with respect to the claim feature "wherein the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by the server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel; and wherein the downloading the file from the server through the firewall permits transferring a large file in chunks". This claim feature is herein amended to add the recitation "wherein the downloading the file from the server through the firewall permits transferring a large file in chunks". The above arguments for the patentability of claim 1 over Rutherglen in view of AAPA apply to claim 11 as well.

Applicant respectfully traverses the rejection of independent claim 19 under 35 U.S.C. §103(a) as being unpatentable over Rutherglen in view of AAPA. Rutherglen does not disclose the recited features of claim 19, at least with respect to the following claim features:

*wherein the file is transferred in chunks using a basic hypertext transport mechanism; and*

*wherein the file is pushed from the server through the firewall by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by the server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel.*

The above arguments for the patentability of claim 1 over Rutherglen in view of AAPA apply to claim 19 as well. In addition, claim 19 includes the positive recitation that the file is transferred in chunks using a basic hypertext transport method, which emphasizes the capability of transferring large files in chunks through a firewall.

Applicant respectfully traverses the rejection of independent claim 21 under 35 U.S.C. §103(a) as being unpatentable over Rutherglen in view of AAPA. Rutherglen does not disclose the recited features of claim 21, at least with respect to the following claim features:

*wherein the file is transferred in chunks using a basic hypertext transport mechanism;*

*wherein the file is pushed from the server through the firewall by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by the server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel.*

The above arguments for the patentability of claim 1 over Rutherglen in view of AAPA apply to claim 21 as well. In addition, claim 21 includes the positive recitation that the file is transferred in chunks using a basic hypertext transport method, which emphasizes the capability of transferring large files in chunks through a firewall.

Turning to the dependent claims, claim 2 recites that the web site is at a collaboration manager separate from the server. New claim 23 depends from claim 2 and recites the step of checking the file out from the collaboration manager to the server. Claims 2 and 23 describe two aspects of a B2B implementation of Applicant's method. A collaboration manager of a B2B operation can store sensitive files of the B2B operation, and can manage the authorization of B2B parties to access such files. These same considerations apply to corresponding dependent claims 14 and 24. The Examiner cites paragraph 31 of Rutherglen as disclosing a collaboration manager separate from the server, but Applicant submits that neither Rutherglen's database server 62 nor the application server 60 should be considered a collaboration manager.

Dependent claim 8 (depending from claim 1) recites that the file is transferred in chunks, and claim 9 recites that the chunks are transferred using a basic hypertext transport mechanism.

Corresponding claims 16 and 17 depend from claim 11. These claims emphasize the capability of Applicant's method to transfer large files in chunks through a firewall. The Examiner cites paragraphs [0036] and [0037] of Rutherford as disclosing wherein the file is transferred in chunks. Applicant respectfully submits that these paragraphs do not disclose the transfer of a file from a server in chunks; rather, they describe distributed computer applications that can require connecting to different or multiple servers.

Claim 25 depending from claim 1 recites the step of negotiating context information for transferring the file, wherein the server accepts or alters recommended context information sent by the file transfer gateway to the server. Claim 26 recites that the recommended context information comprises quality of service information and recommended file transfer parameters. Though this negotiation of file context information, the server and the file transfer gateway can coordinate in establishing file transfer parameters for more efficient downloads of large files. The same observation applies to corresponding dependent claims 27 and 28, 29 and 30, and 31 and 32.

Dependent claims 33 and 34 recite that the file is in excess of 1 Gigabyte. This quantifies the feature of Applicant's method that it enables transferring very large files across a firewall.

As regards the dependent claims not discussed, these claims together with their base claims and intervening claims, if any, should be patentable over Rutherglen and other known art.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over the art of record, and under 35 U.S.C. § 112. To discuss any matter pertaining to the present application, the Examiner is invited to call the practitioner of record, Steven Swernofsky, at (650) 947-0700.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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/Steven A. Swernofsky/  
Stephen A. Swernofsky  
Reg. No. 33,040

The Swernofsky Law Group  
P.O. Box 390013  
Mountain View, CA 94039-0013  
(650) 947-0700